

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
0206-UTL-9

First named inventor: Burkhard GOKE et al.

Application No.: 09/719,410

Art Unit: 1654

Filed: 12 December 2000

Examiner: Mohamed, Abdel

Title: GLUCAGON-LIKE PEPTIDE-1 IMPROVES BETA-CELL RESPONSE TO GLUCOSE IN SUBJECTS WITH IMPAIRED GLUCOSE TOLERANCE (AMENDED)

**RECEIVED
CENTRAL FAX CENTER
FEB 14 2006**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Response Under 37 CFR 1.111 (identify type of reply):
☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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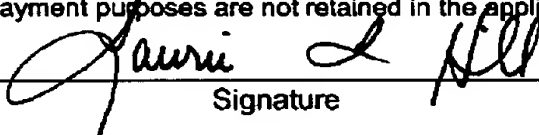
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

14 February 2006

Date

Laurie L. Hill, Ph.D.

Typed or printed name

51,804

Registration Number, if applicable

Amylin Pharmaceuticals, Inc.

Address

858-552-2200

Telephone Number

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Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

14 February 2006

Date

Signature

Typed or printed name of person signing certificate

USSN 09/719,410
Atty Docket No. 0206-UTL-9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 14 2006

Appl. Serial No.: 09/719,410

Inventors: Burkhard GOKE et al.

Filed: 12 December 2000

**Title: *GLUCAGON-LIKE PEPTIDE-1 IMPROVES
BETA-CELL RESPONSE TO GLUCOSE IN SUBJECTS
WITH IMPAIRED GLUCOSE TOLERANCE
(AMENDED)***

Confirmation No.: 8826

TC/A.U.: 1654

Examiner: MOHAMED, Abdel

**STATEMENT REGARDING AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION PURSUANT TO 37 C.F.R. § 1.137(b)****Mail Stop PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Sir:

Applicants provide herein a statement of unintentional abandonment to support the petition for revival of the above-captioned patent application under 37 C.F.R. § 1.137(b) filed herewith.

On December 30, 2005, the six-month deadline for filing a response to the outstanding Office Action dated June 30, 2005 unintentionally lapsed without Applicants filing the required response. Upon discovering this lapse, Applicants began preparations for the present Petition.

Applicants respectfully request that the Office consider the Reply to the outstanding Action filed herewith.

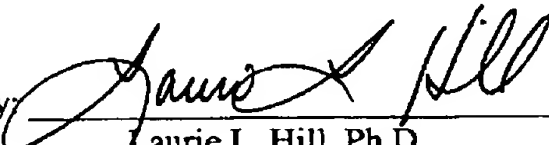
The entire delay in filing the required reply from the September 30, 2005 due date for the reply until the filing of this Petition was unintentional.

USSN 09/719,410
Attr Docket No. 0206-UTL-9

Authorization to charge the Petition Fee under 37 C.F.R. 1.17(m) is provided herewith. A petition for an extension of time is also included herewith. In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, the Commissioner is hereby authorized to charge payment of extension fees or any other fees associated with this communication, to Applicant's Deposit Account No. 010535, referencing matter number 0206-UTL-9. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535, referencing matter number 0206-UTL-9.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Dated: 14 February 2006

By 
Laurie L. Hill, Ph.D.
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